

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF SUEZ WATER DELAWARE INC. FOR)
A GENERAL INCREASE IN RATES AND) PSC DOCKET NO. 19-0615
A REVISION TO ITS GENERAL TARIFF)
(FILED SEPTEMBER 27, 2019))

ORDER NO. 9XXX

AND NOW, this 22nd day of April 2020, the Delaware Public Service Commission (the “Commission”) hereby determines and Orders as follows:

WHEREAS, on September 27, 2019, SUEZ Water Delaware, Inc. (“SUEZ”) filed an application with the Commission seeking an increase of \$7,440,988 in water rates; and

WHEREAS, the Delaware Division of the Public Advocate (“DPA”) filed a statutory notice of intervention in this docket on October 14, 2019; and

WHEREAS, on October 22, 2019, the Commission entered Order No. 9491, in which it suspended SUEZ’s proposed rates and tariff sheets pending the completion of hearings on the justness and reasonableness of the proposed rates and tariff changes and a final Commission decision thereon. The Commission also delegated responsibility for conducting public comment sessions and evidentiary hearings in this docket to Hearing Examiner Glenn E. Kenton, and tasked him with the responsibility of preparing proposed findings and recommendations for the Commission’s consideration; and

WHEREAS, Hearing Examiner Kenton approved a procedural schedule pursuant to which evidentiary hearings were to be held during the week of July 13, 2020; and

WHEREAS, on February 12, 2020, Hearing Examiner Kenton conducted a public comment session in New Castle, Delaware, where one member of the public appeared and provided comments regarding SUEZ's application; and

WHEREAS, on April 20, 2020, SUEZ, the DPA and the Staff of the Commission (the "Parties") submitted a Joint Motion advising the Commission that they had reached a settlement in principle that would increase SUEZ's base rates by \$5.24 million, and would be presenting a proposed Settlement Agreement shortly; and

WHEREAS, the Parties submitted with the Joint Motion a proposed form of Public Notice for a June 3, 2020 evidentiary hearing for the Commission's approval; and

WHEREAS, in the Joint Motion the Parties requested the Commission to revoke its delegation of this matter to the Hearing Examiner, to approve their proposed form of Public Notice of an evidentiary hearing on June 3, 2020, and to approve the Parties' presentation of the proposed Settlement Agreement directly to the Commission at its June 3, 2020 meeting; and

WHEREAS, the Commission heard the Joint Motion at its regularly-scheduled meeting on April 22, 2020;

**NOW, THEREFORE, BY THE AFFIRMATIVE VOTE OF NO FEWER THAN
THREE COMMISSIONERS, IT IS HEREBY ORDERED:**

1. The Motion is **GRANTED**.
2. The Commission revokes its delegation of authority to Hearing Examiner Kenton to conduct the evidentiary hearings in this matter. The Commission will conduct the evidentiary hearing in this matter at its regularly-scheduled meeting on June 3, 2020.

3. SUEZ Water Delaware, Inc. shall publish public notice of the evidentiary hearing in the form attached as **Exhibit “A”** in *The News Journal* on or before May 13, 2020, and shall file the affidavit of publication with the Commission before the June 3, 2020 hearing.

4. The Commission reserves jurisdiction and authority to enter such further Orders as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chairman

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary

EXHIBIT “A”

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NOTICE OF PUBLIC EVIDENTIARY HEARING

TO: ALL WATER CUSTOMERS OF SUEZ WATER DELAWARE INC.:

The Delaware Public Service Commission (“Commission”) will conduct a public evidentiary hearing concerning the above-captioned case (as further explained below) at the following time and location:

DATE & TIME	LOCATION
Wednesday, June 3, 2020, at 1:00 p.m.	PSC Hearing Room* 861 Silver Lake Boulevard Cannon Building, Suite 100 Dover, DE 19904

*Please check the Commission’s agenda for its June 3, 2020 meeting for information regarding the hearing location. If restrictions on public gatherings are still in place due to the State of Emergency, the hearing may be accessible only by teleconference and live video streaming. The agenda will be posted on May 27, 2020, on the Commission’s website, here: <https://depssc.delaware.gov/public-meetings/>

On September 27, 2019, SUEZ Water Delaware Inc. (“SWDE” or the “Company”) filed with the Commission an application (“Application”) seeking approval of: (1) an increase in its water service rates; and (2) various changes to its water service tariff as described in the Application. In its Application, SWDE seeks an increase in annual operation revenues of \$7,440,998, or an increase of 28.57% over existing rates.

On February 12, 2020, a Commission hearing examiner conducted a public comment session in New Castle, Delaware for the purpose of taking public comment regarding the Application.

On April 17, 2020, the parties to the proceeding reached a settlement in principle that, among other things, would increase the Company's base rates by \$5.24 million ("Proposed Settlement").

The Commission will make its decision on this matter on the basis of the record evidence taken at the June 3, 2020 evidentiary hearing. The parties intend to present the Proposed Settlement to the Commission at the hearing. The Commission may approve or reject, in whole or in part, the proposed increase and tariff revisions, and may approve a different method for allocating any increase that is permitted.

You may review SWDE's Application and supporting documents by going to DelaFile (<http://delafile.delaware.gov>), the Commission's docketing and file management system, and by searching for Docket No. 19-0615. If you would like to review documents at the Commission's offices, please contact Donna Nickerson at (302) 736-7500 or by sending an email addressed to donna.nickerson@delaware.gov. You may also review copies of SWDE's Application and supporting documents at the office of the Division of the Public Advocate located at 820 North French Street, 4th Floor, Wilmington, Delaware 19801 and at 29 South State Street, Dover, Delaware 19901. Please call either (302) 577-5077 (Wilmington) or (302) 241-2555 (Dover) to arrange for a time to review the documents at either of those locations.

If you wish to request copies of documents in this matter, you may submit a Freedom of Information Act Request Form. The link to this form can be found on the Commission's website, <http://depsec.delaware.gov>, or by visiting this web address:

<https://delafile.delaware.gov/Complaints/FOIA.aspx>. The Commission will respond to your request in accordance with the Delaware Freedom of Information Act, 29 *Del. C. ch.* 100.

If you have a disability and wish to participate or to review the materials in this matter, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by Internet e-mail, or other means.

If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding this matter by Internet e-mail addressed to psc@delaware.gov with “Docket No. 19-0615” in the subject line.